



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/970,045    11/13/97    KOREN

E    20487/113

EXAMINER

HM22/0426

PATREA L PABST  
ARNALL GOLDEN & GREGORY  
2800 ONE ATLANTIC CENTER  
1201 WEST PEACHTREE STREET  
ATLANTA GA 30309

DUFFY P  
ART UNIT    PAPER NUMBER

1645  
DATE MAILED:

04/26/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ADDRESS:  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTY. DOCKET NO.
-----------------	-------------	----------------------	------------------

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

7

Please find below and/or attached an Office communication concerning the above identified application.

Commissioner of Patents and Trademarks

1. The reply filed on 2-1-99 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): the previous invention was drawn to methods of determining the concentration of a single specific lipoprotein, apolipoprotein, or lipid associated with a specific lipoprotein which has now been **amended to a recite a method of determining the relative ratio of LDL to HDL or at least two different apolipoproteins**. Applicants have constructively elected methods of measuring a concentration of a single specific lipoprotein, apolipoprotein, or lipid associated with a specific lipoprotein and **canceled claims 14-29 by preliminary amendment**. The substitution of a different invention (i.e. drawn to methods of determining relative ratios of LDL to HDL or at least two different apolipoproteins) in place of the **originally presented and examined concentration of single analytes** (specific lipoprotein, apolipoprotein, or lipid associate with a specific lipoprotein) is therefore held not responsive to the outstanding office action. The original claims never recited nor required the analysis of the concentration of multiple analytes and that the restriction in the parent clearly restricted the methods of determining a relative ratio of apolipoprotein from determining the concentration of a single apolipoprotein which were distinct for reasons clearly made of record in Paper 12, mailed 2-23-26 in Parent application 08/268,809. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia A. Duffy, Ph.D. whose telephone number is (703) 305-7555. The examiner can normally be reached on Monday-Friday from 6:30 AM to 3:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached at (703) 308-3995.

Patricia A. Duffy, Ph.D.  
April 25, 1999

*Patricia A. Duffy*  
Patricia A. Duffy, Ph.D.  
Primary Examiner  
Group 1600